



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

December 6, 1961

Honorable Mack H. Hannah, Jr.
Chairman, Board of Directors
Texas Southern University
Houston, Texas

Opinion No. WW-1213

Re: Whether Texas Southern
University can acquire
land for additional
campus space under the
terms of S. B. No. 296,
Acts 57th Leg., R.S.,
1961.

Dear Mr. Hannah:

Your request for opinion from this office
presents the following questions:

"1. Whether Texas Southern University
can acquire land for additional campus
space under the terms of Senate Bill
296, Acts of the 57th Legislature,
Regular Session, 1961.

"2. If the question asked above is
answered in the affirmative, is this
authority limited by the terms of the
Act mentioned above or by the terms
of any other laws of the State of
Texas."

Senate Bill 296 provides for certain building-
use fees in lieu of tuition fees, the anticipated income
to be used to secure bonds and notes issued for the
purpose of enlarging the physical facilities of the
University. Section 3 of Senate Bill 296 provides in
part as follows:

"The governing board of the University
is authorized to pledge the anticipated in-
come from such fees to secure bonds, warrants,
or notes issued for the purpose of acquiring,
constructing, repairing, and equipping
buildings and other permanent improvements
and purchasing the necessary sites therefor,

and the governing board is hereby granted the authority and power to issue bonds, warrants and notes for such purposes. . . ."
(Emphasis added)

The phrase "permanent improvements" is interpreted to include something done to or put on the land which is not to be moved or carried away, either because it has become physically impossible to separate it from the land, or because, in contemplation of law, it has become annexed to the soil and is therefore to be considered a part of the freehold. 27 Am.Jur. 274, Improvements, Sec. 19. Construction of classroom buildings or any other campus building and the purchase of land for additional campus space would certainly come within this definition of "permanent improvements". The land thus purchased need not be adjacent to the existing campus. Since Senate Bill 296 gives authority to purchase the sites for these permanent improvements, your first question is answered in the affirmative.

As to your second question we call your attention to Section 9 of Senate Bill 296 as follows:

"This Act shall be cumulative of other Statutes and shall not repeal any existing Statutes; provided, that the issuance of bonds, warrants, or notes provided for in this Act shall be governed by the provisions of this Act which shall be exclusive, and the provisions of other laws relating to the issuance of bonds, warrants, or notes, or the collection or pledge of building-use fees, shall have no application to the issuance of bonds, warrants, or notes as herein provided."

Article 2643d authorizes Texas Southern University to construct and otherwise acquire and equip buildings and structures which the Board of Directors deems proper or suitable for the students and faculty of the University. Section 3 of this statute provides that land owned by the State of Texas or by the University may be used as building sites and grounds "for such buildings constructed or acquired under this Act; provided that said Board is hereby authorized to acquire by gift, or by purchase out of funds derived from the sale of said bonds, the said building sites and grounds."

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Article 2909c authorizes the institutions of higher learning, including Texas Southern University, to construct, acquire, improve and equip buildings and other structures and additions to existing buildings and other structures "and acquire land for said additions, buildings and other structures if deemed appropriate by said governing body."

It is our opinion that Senate Bill No. 296 does not affect or limit the powers granted by Articles 2643d and 2909c. However, it is also our opinion that the land which the University is authorized to acquire under these statutes, like Senate Bill 296, is limited to the sites and grounds for the buildings and structures constructed or acquired under the provisions of such statutes respectively.

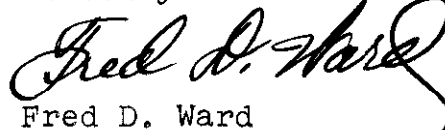
S U M M A R Y

Senate Bill No. 296 of the 57th Legislature (Acts 57th Leg., R.S., 1961) authorizes the governing board of Texas Southern University to acquire land for additional campus space.

Senate Bill No. 296 does not limit the authority of the governing board when said Board is acting under the provisions of Articles 2643d or 2909c, to purchase sites for the buildings or structures authorized by these statutes.

Yours very truly,

WILL WILSON
Attorney General of Texas



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By Fred D. Ward
Assistant

APPROVED:

OPINION COMMITTEE
W. V. Geppert, Chairman

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Jay Howell
Bill Allen
Pat Bailey

REVIEWED FOR THE ATTORNEY GENERAL
BY: Houghton Brownlee, Jr.